

FIRST REGULAR SESSION

SENATE BILL NO. 311

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOLAN.

Read 1st time February 7, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1483S.011

AN ACT

To repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to highway rights-of-way.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 227.240, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.240, to read as follows:

227.240. 1. [The location and removal of all telephone, telegraph and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission] **Any telecommunications corporation, gas corporation, public water or sewer district, water corporation, sewer corporation, electric corporation, rural electric cooperative, or cable television company shall be permitted to place its facilities or system within the right-of-way of any state highway, county road, or other political subdivision. The location, construction, installation, repair, maintenance, and removal of all such facilities or systems within said right-of-way of any state highway shall be under the exclusive control and supervision of the state highway and transportation commission. The location, construction, installation, repair,**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

maintenance, and removal of all such facilities or systems within the right-of-way of any county road or city street shall be under the control and supervision of the governing body of said political subdivision. Every telecommunication corporation, gas corporation, public water or sewer district, water corporation, sewer corporation, electric corporation, rural electric cooperative and cable television company shall have the power of eminent domain in the manner provided by the laws of this state.

2. The commission or some officer selected by the commission shall serve a written notice upon the person or corporation owning or maintaining any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be maintained. The notice shall also state the time when the work of hard surfacing said roads is proposed to commence, and shall further state that a hearing shall be had upon the proposed plan of location and matters incidental thereto, giving the place and date of such hearing. Immediately after such hearing the said owner shall be given a notice of the findings and orders of the commission and shall be given a reasonable time thereafter to comply therewith; provided, however, that the effect of any change ordered by the commission shall not be to remove all or any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the highway. The removal of the same shall be made at the cost and expense of the owners thereof unless otherwise provided by said commission, and in the event of the failure of such owners to remove the same at the time so determined they may be removed by the state highways and transportation commission, or under its direction, and the cost thereof collected from such owners, and such owners shall not be liable in any way to any person for the placing and maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed by the commission.

3. The commission is authorized in the name of the state of Missouri, to institute and maintain, through the attorney general, such suits and actions as may be necessary to enforce the provisions of this section. Any corporation, association or the officers or agents of such corporations or associations, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are hard-surfaced, which are not in accordance with such orders of the commission,

shall be deemed guilty of a misdemeanor.

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